

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ENDO PHARMACEUTICALS INC.,

Plaintiff,

v.

ROXANE LABORATORIES, INC.,

Defendant.

C.A. No. 13-cv-03288-TPG

**PLAINTIFF ENDO PHARMACEUTICAL INC.'S ANSWER  
TO DEFENDANT ROXANE LABORATORIES, INC.'S AMENDED ANSWER,  
AFFIRMATIVE DEFENSES AND COUNTERCLAIMS**

Plaintiff Endo Pharmaceuticals Inc. (“Endo”) hereby responds to the November 21, 2014 Amended Answer, Affirmative Defenses and Counterclaims of Defendant Roxane Laboratories, Inc. (“Roxane” or “Defendant”) as follows:

**ANSWER TO COUNTERCLAIMS**

1. Admitted, upon information and belief.
2. Admitted.
3. Admitted, upon information and belief.
4. Admitted.
5. Endo admits for the purposes of this action only that this Court has subject matter jurisdiction over Defendant’s Counterclaims, but denies that Defendant is entitled to any of the relief it seeks in its Counterclaims.
6. Paragraph 6 states legal conclusions to which no response is required. To the extent a response is required, Endo admits that Defendant’s Counterclaims present an actual

controversy within the Court's jurisdiction, but denies that Defendant is entitled to any of the relief it seeks in its Counterclaims

7. Admitted.

**COUNT 1**

**Declaratory Judgment of Noninfringement of the '482 Patent**

8. Denied.

**COUNT 2**

**Declaratory Judgment of Invalidity of the '482 Patent**

9. Denied.

**COUNT 3**

**Declaratory Judgment of Noninfringement of the '122 Patent**

10. Denied.

**COUNT 4**

**Declaratory Judgment of Invalidity of the '122 Patent**

11. Denied.

**COUNT 5**

**Declaratory Judgment of Noninfringement of the '216 Patent**

12. Denied.

**COUNT 6**

**Declaratory Judgment of Invalidity of the '216 Patent**

13. Denied.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

Defendant's Counterclaims fail to state a claim upon which relief can be granted.

**PRAYER FOR RELIEF**

WHEREFORE, Endo prays for relief as follows:

- A. Entry of judgment in favor of Plaintiff and against Defendant with respect to Defendant's Counterclaims, and an award of the relief sought in Plaintiff's Complaint;
- B. Dismissal of Defendant's Counterclaims with prejudice;
- C. An award to Plaintiff of its attorneys fees, costs and expenses; and
- D. Such other relief as the Court deems equitable and just.

Dated: December 8, 2014

By: /s/ Jeffrey Fisher  
Jeffrey Fisher  
DECHERT LLP  
1095 Avenue of the Americas  
New York, NY 10036  
(212) 698-3500

*Of Counsel:*

Martin J. Black  
Robert D. Rhoad  
DECHERT LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 994-4000

Jonathan D. Loeb  
DECHERT LLP  
2440 W. El Camino Real  
Suite 700  
Mountain View, CA 94040  
(650) 813-4800

ATTORNEYS FOR PLAINTIFF  
ENDO PHARMACEUTICALS INC.